

REQUEST FOR PROPOSAL
THE STATE BAR OF CALIFORNIA

This is a Request for Proposal ("RFP") to mail the California Bar Journal on behalf of the State Bar of California.

Please submit six (6) copies of your proposal in a sealed envelope no later than **5 p.m. on March 14, 2003**. All responses to the Request for Proposal shall be submitted to:

The State Bar of California
180 Howard Street
San Francisco, CA 94105

Attention: Nancy McCarthy

I. INTRODUCTION

The State Bar of California ("State Bar"), created in 1927 by the Legislature and written into the constitution as a judicial branch agency in 1966, is a public corporation within the judicial branch of state government. In accordance with the State Bar's procurement policies, all contracts, in excess of \$50,000, are subject to formal competitive bidding. As a governmental agency, the State Bar typically receives governmental pricing and contract terms and conditions.

The State Bar is seeking proposals for: fulfillment of storage, shipping and mailing services for the California Bar Journal.

II. GENERAL INFORMATION

A. Submission Requirements

The submission requirements for the RFP are detailed below. Please submit six (6) copies of your proposal. Any proposal shall constitute an irrevocable offer for thirty (30) business days following the deadline for its submission.

Responses to the RFP must contain the following information:

1. Qualification statement of bidder (including description of similar projects).

2. History of firm, and qualifications of project director and other staff proposed to work on project.
3. Latest balance sheet and income statement or other proof of financial solvency or stability.
4. References (at least four, including contact name and phone number) from organizations that have used your services for similar project
5. Evidence that vendor, if a corporation, is in good standing and qualified to conduct business in California, and copies of business licenses, professional certifications or other credentials.
6. An overall description of the techniques, approaches and methods to be used in performing the services.
7. Written proposal describing the plans for accomplishing the required work, including a time line and deadlines for all tasks.
8. A bid covering all costs and compensation. The bid should provide a breakdown of costs for professional services, materials, printing and postage, and any other costs.
9. A sample invoice detailing costs and other fees for a 32-page paper for distribution to 185,000 subscribers consistent with the specifications set forth in Section III, Scope of Services.

B. Rejection of Proposals

The State Bar reserves the right to reject any or all proposals in whole or in part for any reason without incurring any cost or liability whatsoever. All proposals will be reviewed for completeness of the submission requirements. If a proposal fails to meet a material requirement of the RFP, or if it is incomplete or contains irregularities, the proposal may be rejected. A deviation is material to the extent that a proposal is not in substantial accord with RFP requirements.

Immaterial deviations may cause a bid to be rejected. The State Bar may or may not waive an immaterial deviation or defect in a proposal. The State Bar's waiver of an immaterial deviation or defect shall in no way modify the RFP or excuse a proposer from full compliance with the RFP requirements.

All proposals may be rejected in any case where it is determined that the proposals are not really competitive, or where the cost is not reasonable.

Proposals that contain false or misleading statements may be rejected if in the State Bar's opinion the information was intended to mislead the State Bar regarding a requirement of the RFP.

C. Evaluation Process and Highest Scored Proposer

An evaluation team will review in detail all proposals that are received to determine the highest scored proposer ("HSP").

The State Bar reserves the right to determine the suitability of proposals on the basis of a proposal's meeting administrative requirements, technical requirements, the review team's assessment of the quality and performance of the equipment and services proposed, and cost.

During the evaluation process, the State Bar may require a proposer's representative to answer questions with regard to the proposal and/or require certain proposers to make a formal presentation to the evaluation team and/ or the State Bar Senior Executive Team.

The following criteria will be used in reviewing and comparing the proposals and in determining the HSP. The weight to be assigned to each criterion appears following each item:

- Responsiveness of proposal to original specifications and requirements described in the RFP, including whether the proposer has agreed to the contracting requirements set forth in Section IV of this RFP (25%);
- The quality and performance of the service to be provided by the bidder, including responsiveness and quality of customer service, and the ability of the bidder to perform the contract within the timeframe specified, without delay (25%);
- The ability, capacity, flexibility, financial stability, and skill of the proposer to perform the contract, (20%);
- The character, integrity, reputation, judgment, experience, and efficiency of the proposer, including the quality of the proposer's performance on previous contracts with the State Bar, if any (10%);
- Cost and Compensation required. Costs consideration will be reviewed only if a proposal is determined to be otherwise responsive. All figures entered on the proposal must be clearly legible. (20%)

D. Award and Execution of Contract

Subject to the State Bar's right to reject any or all proposals, the HSP will be awarded the Mailing Services Contract attached to this RFP as Attachment A. Notice will be posted at the State Bar's offices at 180 Howard Street, San Francisco, CA and sent by facsimile and regular

mail to proposers on or about **April 4, 2002**, of the Bar's intention to award the contract to the HSP. It is anticipated that final selection of the HSP will be made by **April 11, 2003**. The evaluation team will select a winning proposal subject to approvals granted by the Board of Governors. Upon selection, a contract will be executed with the winning HSP in due course.

Questions regarding the State Bar's award of any business on the basis of proposals submitted in response to the RFP, or on any other matter, in connection with the selection process should be addressed to:

The State Bar of California,
180 Howard Street
San Francisco, CA 94105

Attention: Nancy McCarthy

E. Errors in the RFP

If a proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the proposer should immediately provide the State Bar with written notice of the problem and request that the RFP be clarified or modified. Without disclosing the source of the request, the State Bar may modify the document prior to the date fixed for submission of proposals by issuing an addendum to all potential proposers to whom the RFP was sent.

If prior to the date fixed for submission of proposals, a proposer knows of or should have known of an error in the RFP but fails to notify the State Bar of the error, the proposer shall bid at its own risk, and if awarded the contract, shall not be entitled to additional compensation or time by reason of the error or its later correction.

F. Questions Regarding the RFP

Questions regarding the RFP may be addressed in writing to:

The State Bar of California
180 Howard Street
San Francisco, CA 94105

Attention: Nancy McCarthy

All questions and answers regarding the RFP may be shared with all proposers. If a proposer's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the proposer may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the proposer must submit a

statement explaining why the question is sensitive. If the State Bar concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered and both the question and answer will be kept in confidence. If the State Bar does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the proposer will be notified.

A proposer who believes that one or more of the RFP's requirements is onerous or unfair, or unnecessarily precludes less costly or alternative solutions, may submit a written request that the RFP be changed. The request must set forth the recommended change and reason for proposing the change. Any such request must be submitted to the State Bar no later than seven (7) days prior to the deadline for submitting proposals.

G. Addenda

The State Bar may modify the RFP prior to the date fixed for submission of proposals by mailing or faxing an addendum to the proposers to whom the RFP was sent. If any proposer determines that an addendum unnecessarily restricts its ability to bid, it must notify the State Bar no later than three (3) days following the receipt of the addendum.

H. Withdrawal and Resubmission/Modification of Proposals

A proposer may withdraw its proposal at any time prior to the deadline for submitting proposals by notifying the State Bar in writing of its withdrawal. The notice must be signed by the proposer. The proposer may thereafter submit a new or modified proposal, provided that it is received at the State Bar no later than the deadline.

Modification offered in any other manner, oral or written, will not be considered. Proposals cannot be changed after the evaluation process begins.

I. Protest Procedure

A proposer may protest the award if it meets all the following conditions:

1. The proposer has submitted a proposal that it believes to be the lowest cost responsible proposal, under the criteria set forth above;
2. The proposer believes that its proposal meets the State Bar's administrative and technical requirements, proposes services of proven quality and performance, and offers a competitive cost to the State Bar; and
3. The proposer believes that the State Bar has incorrectly selected another proposer.

A proposer qualified to protest should contact Bill Brauer, Procurement Officer, at the State Bar of California to attempt an informal resolution. If he is unable to resolve the protest to the

proposer's satisfaction, the proposer should file a written protest within five (5) working days of the notice of intention to award contract. The written protest must state the facts surrounding the issue and the reasons the proposer believes the award to be invalid. The protest must be sent by certified or registered mail or delivered personally to:

The State Bar of California
180 Howard Street
San Francisco, CA 94105

Attention: Sam Quan

Protests will be reviewed and decided by the State Bar's Award Protest Team within 30 days after the State Bar issues written acknowledgement of the protest. In the event that a protest is filed, the contract award will be postponed pending resolution of the protest.

J. News Releases

News releases pertaining to the award of a contract may not be made without the prior written approval of the State Bar.

K. Disposition of Materials

All materials submitted in response to an RFP will become the property of the State Bar of California and will be returned only at the State Bar's option and at the expense of the proposer. One copy of each proposal will be retained for official files and become a public record. Specific limited pages of a proposal, not including proposed cost and compensation may be marked as proprietary and confidential. The proposer's consent will be requested before release of such pages to non-State Bar personnel. By submitting a proposal, a proposer agrees to these terms and waives any right to pursue a cause of action for damages incurred as a result of the release of any information contained in a proposal.

III. SCOPE OF SERVICES

A. Background.

The State Bar is seeking services of a vendor to mail the California Bar Journal on a monthly basis. The Bar Journal is the State Bar's official publication, which is sent by mail to approximately 190,000 members and subscribers each month. The Bar Journal is produced in a tabloid newspaper format and ranges from 28 to 48 pages.

B. Summary of Requirements

1. Turnaround Time: Vendor must ship and mail each issue of the Bar Journal within one business day after receipt of issue from printer. (The Bar Journal is normally printed on Friday and delivered to the mail house early Saturday morning. All copies should be mailed by close of business Monday.)

2. Warehousing/Storage: Vendor must have adequate and safe warehousing facilities on-site.

3. Tracking: Vendor will have inventory and location tracking capabilities and the ability to generate customized inventory and location reports.

4. Please provide cost breakdown for the following areas:

DATA PROCESSING SERVICES: The State Bar provides addresses by e-mail approximately seven to ten days prior to mailing. Please provide prices to convert file, address standardize, CASS and PAVE certify, presort to U.S.P.S. standard mail requirements, output data to inkjet file.

LETTERSHOP SERVICES: Address labels will be printed by inkjet on front page of paper. Please provide prices for inkjet address tabloid and sort (no inserts, prices for up to three inserts and partial run inserts).

SHIPPING: By common carrier, the U.S. Postal Service (third class mail) Fed Ex, UPS or other reliable carrier, as appropriate. Foreign mail (about 1600 per month) is sent first class in envelopes provided by mailer. Please provide cost of envelopes and cost of stuffing envelopes.

The remainder are sent third-class. All are mailed through the U.S. Postal Service.

TRUCKING: Outline potential ways to ship paper efficiently and cost-effectively. About one-third of the papers (70,000) are mailed from the northern California postal facility in Richmond. Please provide an estimate of shipping those papers to Richmond. In addition, if further savings can be achieved through saturation discounts, please provide estimates.

5. Postage Metering: Vendor must have postage metering authorization for domestic and international metering. Vendor to maintain postage permits.

6. Vendor Location: Within 75 miles of Sylmar, California.

7. Project Management Assistance/Customer Service: In addition to the above listed specifications and services, the Vendor shall, if requested by the State Bar, promptly respond to State Bar inquiries about the project (e.g. speedy delivery of proof sets, responding quickly to changes), be available for consultation with State Bar representatives upon reasonable notice and otherwise deliver a high degree of customer service to State Bar representatives.

IV. CONTRACTING REQUIREMENTS

The State Bar of California's Mail Services Agreement is attached as Attachment A to this RFP and represents the State Bar's contracting requirements.

As a material requirement of all bids, proposers must state in their proposals whether they accept the form of Mail Services Agreement attached as Attachment A or itemize any requested modifications.